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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,061	04/26/2006	Thomas Roiser	4301-1147	4268
466	7590	09/17/2007	EXAMINER	
YOUNG & THOMPSON			AMIRI, NAHID	
745 SOUTH 23RD STREET				
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ARLINGTON, VA 22202			PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/553,061	Applicant(s) ROISER, THOMAS	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 17-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 01 August 2007, amendments to the claims have been entered. Claims 1-12 and 16 are canceled. Claims 13-15 and 17-26 are pending.

However, after further review of the prior art of record, the claims are not deemed to be in condition for allowance. Accordingly, the finality of the previous office action has been withdrawn so that a new art rejection may be applied as set forth below.

Claim Objections

Claim 21 is objected to because of the following informalities:

The dependency of claim 21 is improper since being depended from canceled claim 16.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 22, line 2, there is no antecedent basis for "the set of telescoping tubes".

Claim Rejections - 35 USC § 103

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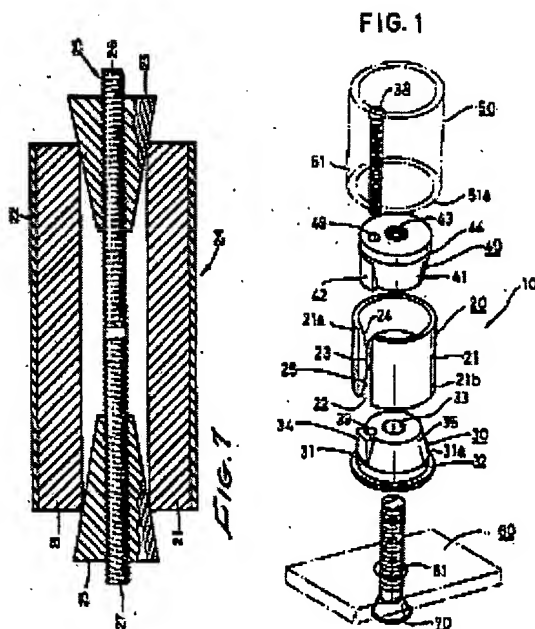
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13, 14, 18, 19, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,256,237 Maas et al. in view of US Patent No. 5,419,650 Hoshino.

With respect to claims 13 and 14, Maas et al. disclose a clamping device (Fig. 7, column 4, lines 5-) comprising a threaded rod (25) comprising two threaded sections (26, 27), the two threaded sections (26, 27) having opposing threads, a radially expandable clamping part (is constituted by six identical sections 21) which forms a hollow cylinder, two conical expansion bodies (23) located at respective ones of two opposite ends of the clamping part (21); the expansion bodies (23) are each threaded onto the threaded rod (25) wherein the expansion bodies (23) move along the respective one of the different threaded sections (26, 27) to each approach the other to widen the clamping part (21) radially over a length of the clamping part (21). Mass et al. do not disclose that the clamping part is made from one piece with a lengthwise slot; and the thread of a first of the two threaded sections having a larger diameter than the opposing threaded thread of second of the two threaded sections. Hoshino teaches a clamping device (Fig. 1) having a radially expandable clamping part (20) with a lengthwise slot (22). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Mass et al. from one piece with a lengthwise slot as taught by Hoshino in order to enable the clamping part to expanded radially by the force exerted by the outer peripheral tapered surface of the expansion bodies. Applicant does not disclose any criticality with respect to the two threaded sections having two different diameters. Therefore, it would have been an obvious matter of design choice to provide the two threaded sections of the rod with two different diameter, since applicant has not disclosed that those different diameter solves any

stated problem or is for any particular purpose and it appears that the invention would perform equally well with Mess et al.'s invention.



With respect to claim 18, Maas et al. disclose (Fig. 7) that expansion bodies (23) with their ends of smaller diameter engage the clamping part (21).

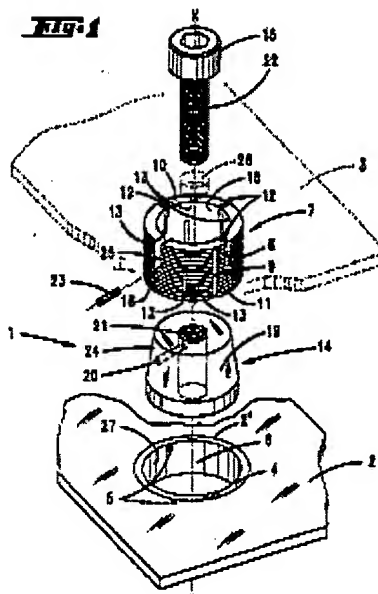
With respect to claim 19, Maas et al. disclose (Fig. 7) that the expansion bodies (23) having greater diameter ends are made to increase friction relative to the material of the outer tube (50).

With respect to claim 23, Maas et al. disclose a device (Fig. 7) comprising a threaded part (25) to be inserted into an interior of a tube (22) of the a first interior diameter; a threaded rod projecting from the threaded part (25), and with two threaded sections (26, 27) having opposing threads, two conical expansion bodies (23) having internal threads respectively corresponding to the threads of two threaded sections (26, 27), one expansion body (23) threaded onto each of the two threaded sections (26, 27), a radially expandable clamping part (is constituted by six identical sections 21), the two expansion bodies (23) having smaller diameter ends engaged with the clamping part (21), the clamping part (21) being radially expandable under action of the two

expansion bodies (23) being brought together and wherein greater diameter ends of the two expansion bodies (23) are capable of frictionally engage an inner surface of another tube. Maas et al. do not disclose that the clamping part is made from one piece with a lengthwise slot; and the thread of a first of the two threaded sections having a larger diameter than the opposing threaded thread of second of the two threaded sections. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Maas et al. from one piece with a lengthwise slot as taught by Hoshino in order to enable the clamping part to expanded radially by the force exerted by the outer peripheral tapered surface of the expansion bodies. Applicant does not disclose any criticality with respect to the two threaded sections having two different diameters. Therefore, it would have been an obvious matter of design choice to provide the two threaded sections of the rod with two different diameter, since applicant has not disclosed those different diameter solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with Maas et al.'s invention.

Claims 15, 17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maas et al. and Hashino as applied to claims 13, 14, 18, 19, and 23 above, and further in view of US Patent No. 6,712,544 B2 Kruger et al.

With respect to claims 15, 17, 20, and 21, Maas et al. and Hashino disclose the claimed invention except for the clamping part has recesses, which proceed from its two ends; and wherein the recesses are offset by 90 degrees to one another on the ends of the hollow cylinder. Kruger et al. teaches a clamping device (Fig. 1) comprises a clamping part (7), the clamping part (7) having recesses (12); and wherein the recesses (12) are offset by 90 degrees to one another on the ends of the hollow cylinder. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping part of Maas et al. with recesses are offset by 90 degrees to one another on the ends of the hollow cylinder as taught by Kruger et al. in order for the recesses open out in the direction of insertion of the expansion bodies to pressed the clamping part into the tube.



Claims 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mass et al. and Hashino as applied to claims 13, 14, 18, 19, and 23 above, and further in view of US Patent No. 4,134,703 Hinners.

With respect to claims 22 and 24, Maas et al. and Hashino disclose the claimed invention except for having a combination of the clamping device and a set of telescoping tubes. Hinners teaches a combination of clamping device and a set of telescoping tubes (12, 16). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping device of Maas et al. with a combination of set of telescoping tubes of Hinners in order to adjust the tubes with respect to each other to achieve desirable height for the pole.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maas et al., Hashino and Hinners.

With respect to claim 25 and 26, Maas et al. and Hashino disclose the clamping device as stated advanced above in claim 23 except for the clamping device in combination with two poles. Hinners teaches a combination of a clamping device with two poles (12, 16). It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the clamping device of Maas et al. with a combination of two poles of Hinners in order to adjust the tubes with respect to each other to achieve desirable height for the pole.


Response to Arguments

Applicant's arguments with respect to claims 13-15 and 17-26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Nahid Amiri
Examiner
Art Unit 3679
August 29, 2007



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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600